

ONEIDA COUNTY PLANNING & ZONING
July 19, 2006
1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2
2ND FLOOR, ONEIDA COUNTY COURT HOUSE

Members present: Chairman Bob Metropulos
Scott Holewinski
Frank Greb
Ted Cushing
Larry Greschner

Department staff present: Karl Jennrich, Zoning Director
Pete Wegner, Assistant Zoning Director
Steve Osterman, Planning Manager
Nadine Wilson, Land Use Specialist
Mary Bartelt, Typist III

Other County Staff: Brian Desmond, Assistant Corporation Counsel

See Attached Guest List:

1. Call to order.

Chairman Metropulos called the meeting to order at 1:03 P.M., in accordance with the Wisconsin Open Meeting Law.

2. Discussion/decision to approve the Agenda.

MOTION: (Frank Greb/Larry Greschner) to approve the July 19th 2006 agenda. With all members present voting “aye” motion carried.

3. Discussion/decision involving the preliminary 2-lot CSM of Melanie Kirsch and Todd Smith on Silverbass Lake. Property is described as being Lot 1, CSM 2911 located in the SE NW, Section 22, T37N, R8E, in the Town of Newbold, Oneida County, Wisconsin.

Mr. Karl Jennrich, Zoning Director, stated that the Planning & Zoning Department received a letter from Nicolet Surveyors, dated June 18, 2006, stating that they would like to put the preliminary 2-lot CSM of Melanie Kirsch and Todd Smith on hold until a condition proposed by the Town Board is resolved regarding the private road.

4. Discussion/decision involving the Conditional Use Permit Application of Wal-Mart Super Center Development consisting of constructing a 156,000 square foot Super Center Store to include an in store grocery, a general retail store, a tire and lube center, garden center, food court, bank, optical center, plus unspecified independent businesses. The existing Wal-Mart Store will be demolished upon completion of the new store. The new proposed store location is approximately 100' north of the current store. Said project location is described as part of the NW NE and SW NE, Section 10, T39N, R6E, in the Town of Minocqua, PIN# MI 2155 & MI 2155-1. The existing store address is 8705 Blumenstein Rd, Minocqua, WI. Public Hearing was held June 28, 2006.

Chair Metropulos commented that he did not wish to get into a mini hearing at this meeting.

Larry Greschner, “To get this properly on the table to discuss, I would like to make a motion if I may.”

Chair Metropulos, "Go ahead."

Larry Greschner, "I would like to make a motion directing that the Minocqua Wal Mart Super Center, Conditional Use Permit Application, be referred back to the Town of Minocqua Planning Commission and Minocqua Town Board for further review and resolution of many unanswered questions and pending issues surrounding this CUP application prior to being further considered by the Oneida County Planning & Zoning Committee at public hearing yet to be determined."

"And the major reasons requesting that this issue be referred back to the Town of Minocqua were handed out to the Planning & Zoning Committee in their packets. And I am requesting that those reasons be made a part of the official record of the Planning and Zoning Committee meeting."

Scott Holewinski, "First of all, the major reasons were not handed out in a packet, they were handed delivered to each member of the Planning and Zoning Committee, correct?"

Mr. Greschner, "Yes."

Chair Metropulos asks if everyone had a chance to read the major reasons.

Mr. Greschner reads into the record the reasons:

1. The official legal notice of the June 28, 2006 Oneida County Planning & Zoning Committee Public Hearing was requested to be published prior to either the Minocqua Planning Commission or Minocqua Town Board action, which obviously showed intent to forward to Minocqua Wal Mart Super Center CUP application to the county level prior to final consideration at the municipal level.
2. The Town of Minocqua recommended approval of this CUP at the County level after the acceptance but before the approval of proposed recommendations of the traffic impact analysis and as such it appears the Town still have many issues it needs to resolve with the Department of Transportation regarding the TIA to include the Richard Stengl property easement, the two all-way stop control at the proposed Connecting Road in Blumenstein Road intersection and associated vehicle stacking issues at that location; the Frank Drive/Highway 70 traffic control signal issue; and jurisdiction of roadways questions, among them.
3. The Town of Minocqua forwarded the Wal Mart Super Center CUP application to Oneida County with a recommendation for approval prior to the Department of Natural Resources' report being finalized. And because of that it would seem that Minocqua government officials would want to consider the impacts of that final DNR report as it may pertain to storm water runoff plans especially because of anticipated increased suspended solids from a huge paved parking lot area; impacts, if any, on a wetland located in the center of the proposed retention pond and especially in the event that of a 100 year rainfall.
4. The Town of Minocqua did not request an economic impact study/marketing analysis and because of the fact that one is now being independently prepared it would seem that Minocqua governmental officials might wish to consider seriously studying and taking in consideration this forthcoming report prior to a final recommendation to the Oneida County Planning & Zoning Committee.
5. The impact of this Conditional Use Permit, if approved, would extend far beyond the confines of the approximate 150,000 square foot Wal Mart Super Center as it pertains to vehicular traffic, economic impacts, environmental impacts and the like and to date, those impacts, whether positive or negative, do not appear to have yet

- been adequately and fully addressed by either the Minocqua Planning Commission or the Town Board.
6. It also appears that some if not most of the General Standards for approval of this CUP have not yet been adequately and fully addressed and answered by the Town of Minocqua officials prior to forwarding this matter on to the county level with a recommendation for CUP approval.
 7. The Oneida County Planning & Zoning Committee should not be working under a set deadline and be forced into having a set timetable for approving or rejecting such an important and far encompassing CUP application, as certain involved parties have been insisting, but rather should be carefully studying all ramifications of this application and thus deserve to have all the necessary information brought before the committee by Town of Minocqua and Wal Mart officials.
 8. The Oneida County Zoning and Shoreland Protection Ordinance limits the authority of the Minocqua Town Board and its Planning Commission but certainly does not diminish the tremendous responsibility those governmental officials have to make certain that each and every impact issue of this CUP application is properly and thoroughly addressed.
 9. The Oneida County Planning & Zoning Committee should not have been placed in a position to either approve or reject this application without all the answers to many, many still unanswered questions having been made available to committee members by the Town of Minocqua and Wal Mart officials.

I hereby make a motion directing that the Minocqua Wal-Mart Supercenter Conditional Use Permit (CUP) application be referred back to the Town of Minocqua Planning Commission and Minocqua Town Board for further review and resolution of Many unanswered questions and pending issues surrounding this CUP application prior to being further considered by the Oneida County Planning and Zoning Committee at Public Hearing on a date yet to be derteremined.

Frank Greb seconded the motion. Motion on the floor.

Discussion

Mr. Scott Holewinski, "I thought last month that we went over all the questions we had and gave those questions to Karl and Karl was going to get all the information before the scheduled events."

Mr. Greschner, "My motion goes beyond that."

Chair Metropulos, "I'm not sure if some of these items in question we're not meddling with Minocqua town politics." Chair Metropulos refers to Mr. Jennrich, Zoning Director to see where the committee is on some of these issues and to see if there are any loose ends that will be taken care of within the next week or two.

Mr. Jennrich, "Since the last meeting, the only two things that I have done is sent a letter out, dated July 13, 2006, to Mr. Jim Rein, Wilderness Surveying pointing out eight things to be provided to the Planning & Zoning Department prior to sending out another notice of public hearing and also had some questions on the TIA." This letter was emailed to Mr. Rein.

"I also sent a letter to the Department of Transportation, July 13 or 14, 2006, per request by Scott Holewinski, stating if the Super Wal Mart never happens what affect does that have on the TIA (is the Town responsible to go forward with the recommendations made in that Traffic Impact Analysis). No response from either Mr. Rein or Department of Transportation.

Scott Holewinski, "I guess when looking at Mr. Greschner's reasons regarding the CUP for the Super Wal Mart, I see Mr. Greschner telling the Town Board of Minocqua how to handle their business."

Mr. Greschner, "Not, whatsoever." "We didn't get the answers from the Town Board of Minocqua and please note, for those who are unaware of this, when this CUP came to the county level, it didn't come here with a "ringing" endorsement." "At the Planning Commission level there was one who abstained, one no vote." "At the Town Board level, two of the five town board members did not even choose to attend the meeting when this was voted on."

Mr. Holewinski, "Well that was their choice."

Chair Metropulos, "And for the record, there was a conflict for two of them (Town Board)."

Mr. Cushing asks Brian Desmond, Assistant Corporation Counsel, if it is proper or not proper, to take additional information.

Mr. Desmond, "I think you do run the risk of having people claim that they were not able to be here to respond to that information and I think if you have another public hearing coming up, the comments should be presented then." "People can certainly submit any information that they may have between now and then like the economic study or any other information that they want the county to consider in making this decision." "They can certainly submit between now and the time of the public hearing or even at the public hearing, but I strongly urge people to submit any information beforehand so that the committee can consider it and understand exactly what they are looking at and it would certainly aid in your decision process."

Chair Metropulos, "All I am saying is that the impact study information should be available to the committee either the 14th or 15th of August."

Mr. Greschner, "All I'm saying in this motion Mr. Chairman is that it would seem that now that we all learned after the public hearing that a study is coming forward that both Minocqua officials and County officials would want to take a look at it (impact study)."

Mr. Holewinski, "I would look at that and say if the Town Chair of Minocqua is aware of it and he wants to do that, he would call a special meeting of his Town Board and do it, but we shouldn't be telling the Town Board when to have their meetings and what they should be acting on. This is our responsibility."

Mr. Greschner, "That's all it's doing, it's directing it back there and they can do with it what they want."

Chair Metropulos, "Would it be improper or inappropriate to ask the Town Chair of Minocqua what his answer to this would be?"

Mr. Holewinski, "I like public input and I appreciate people talking from the audience and giving their comments."

MOTION: (Scott Holewinski to suspend whatever rules are in affect at this meeting.

Chair Metropulos, "We're still in discussion regarding Mr. Greschner's motion."

Mr. Frank Greb, "We did not vote on the first motion so we can't have another motion."

Mr. Holewinski agrees.

Chair Metropulos feels that the committee should have input from the Minocqua Town Chair before we make any decisions.

Chair Metropulos, "Joe, if you were to get a letter from us shortly, do you want to give some sort of response?"

Mr. Handrick, "We would simply return the CUP to you with the continued recommendation for approval."

Mr. Desmond, "I would think his response that they would send it back to you is probably the answer to your question."

Atty. John Houlihan, representing the TA Solberg Company, "My point is this, this committee has given additional information to be supplied to this committee by August 16, 2006 and as this committee knows, we are currently in the process of having an economic impact study completed of which at least its completed in a preliminary draft and we should have it within the next few days and in final draft form. We feel that the information that is shown in that impact study is significant enough that it maybe goes back to the Town of Minocqua or the Town of Minocqua Planning Commission that there may be some reconsideration on this and therefore, I think that that is the impact study is so significant and so compelling that that is why it would be beneficial to send it back to the town solely for the purpose of looking at the additional information that is supplied to this committee by August 16th, 2006, that the committee required and let the town make a decision. Again, simply, if they feel after reviewing that information and if they just want to refer the CUP back to the county, fine, but we think that at least this matter should be delayed and at least give the town the "first kick at the cat" in terms of reviewing all this new information which is being supplied to the committee by the 16th of August, 2006."

Mr. Desmond, "The fact of the matter, is that there opinion on this is merely advisory to you (the P & Z committee) and you have the ultimate decision making authority here and certainly when an economic study comes in, it can certainly be provided to Minocqua and the Town can do with it as they wish." "If they review it and Mr. Handrick reviews it and decides that he wants to do something with it, he can and if he doesn't, he doesn't have to. There is no authority that the P & Z Committee could have to have the Town of Minocqua reconsider this issue."

Chair Metropulos, "I have to agree with you, Scott, I think it's meddling in town politics."

Mr. Greschner, "If you read it, it's not meddling, it's directing it back asking them to review some very important things in a very important CUP."

Mr. Greb, "I think we got everything squared away the other night at that public hearing but we were going to wait until the 16th of August and that's the cutoff date, any new information, not reviewing any old stuff, but any new information was to be given to us by the 16th of August and we are to make an onsite on the 23rd. of August and have a public hearing at 6:00 P.M." "We're just running over old -----."

Mr. Greschner, "We still don't have anything back to us regarding the TIA, anything back to us on the DNR report and those were important factors, I thought."

Mr. Holewinski, "And Larry, the town is aware that we are getting this information and if they figure that they should review it, the Town Chair will decide that. That's how I feel here."

Mr. Greschner, "Everything tells me, from the start, that this was not a complete CUP to begin with."

Mr. Jennrich, "The Zoning Administrator has to deem it complete and again, -----." "We are having another public hearing because I do believe that there was fatal flaws that I could have been challenged on."

Chair Metropulos asks Corporation Counsel's advice.

Mr. Desmond, "That regardless whether or not the town receives some of this information or reviewed some of this information, you guys as a committee here are the final say on the application and so whether or not they (the Town) reviewed it when they gave their advisory opinion, you're free to totally disregard their opinion, you are free to make you own decision on this matter based upon the information you collect." "I don't see their further review, which Mr. Handrick has told us, they are not going to undertake as being something that would be necessary for this process as it goes along here. I think that since you are the final decision makers, you are the ones to collect the information and pass the final determination on what information you have received."

Mr. Greschner, "We've always said that this committee relies heavily from recommendations from the Towns, that is all this is saying."

Chair Metropulos asks if there is any other discussion.

Mr. Cushing, "It seems to me that one way or another these questions will be answered through Karl Jennrich."

Mr. Jennrich, "It would be nice to have a cutoff date of August 16, 2006 but we do have a notice of public hearing and we can receive information after and up to the date and at the public hearing, the committee must sift through the information which is repetitious and people should be cut off at least on testifying, but I think they do have the right to submit information up to and including the public hearing."

Chair Metropulos, "All right there is a motion on the floor and seconded."

Roll Call Vote: Scott Holewinski, "no", Frank Greb, "aye", Ted Cushing, "no", Larry Greschner, "aye" and Chair Metropulos, "no". 3 no and 2 aye. Motion fails.

5. Discussion/decision concerning Ordinance Amendment #12-2006 authored by the Planning & Zoning Committee to amend Section 9.94. & 9.98 of the Oneida County Zoning & Shoreland Protection Ordinance Schedule for public hearing.

MOTION: (Ted Cushing/Larry Greschner) to direct staff to bring back the boathouse ordinance amendments back to the committee with changes which include "pitched roof", maximum depth of 36 feet for boathouses and grammatical error correction. All "aye" on voice vote. Motion carries.

6. Discussion/decision concerning Section 9.78(B)(2)(a) Sign Regulations within the Oneida County Zoning & Shoreland Protection Ordinance. The Committee may want to explore allowing

on-premise signs to be attached & suspended on a building versus mounding a flat sign against the building.

Mr. Jennrich stated that this issue came about in the Town of Three Lakes, the Three Lakes Winery. A gentleman, by the name of Mark McCann wanted to have a sign on the premises.

Mr. Karl Jennrich reads for the record the Signage Ordinance. 9.78 B. On-Premise Signs, states that no signs shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without an approved sign permit unless specifically exempted by this ordinance. 1. A business shall be permitted one freestanding sign exposure visible and designed to be read from each direction of travel. A sign shall be no greater than 250 sq. ft. per face. 2. In addition: a. every business shall be permitted a sign mounted flat against the building, or on the roof, with a minimum 32 square feet or a maximum 5 percent of the face of the building, but not to exceed 250 sq. ft. per face. No part of the sign including supports shall be more than 30 feet from ground level.

The P & Z Department told Mr. McCann that he already has one sign mounted flat against the building and that the ordinance would not allow him to have this sign, which would protrude from the building. Therefore, Mr. Jennrich decided to look up language on "projecting signs". See EXHIBIT #1.

Committee reviewed a zoning ordinance regarding this issue from Door County.

MOTION: (Scott Holewinski/Frank Greb) to have staff work on wording for Section 9.78 (B)(2)(a), to make revisions as discussed for "Sign Regulations" and bring back to the committee. All "aye" on voice vote. Motion carries.

7. Discussion/decision concerning amendments to Section 9.73 Overlay Districts in the Oneida County Zoning & Shoreland Protection Ordinance.

Mr. Pete Wegner, Assistant Zoning Director, went over a few things regarding Section 9.73 Overlay Districts.

Mr. Wegner, "In 2005 I had some changes proposed to make the language more consistent which the committee has seen already, relating to the open decks or porches for the minimum square footage." "Also between 1976 and 1986 mobile homes were allowed to be placed in overlay district #1. Then there was a court case, which challenged this, and this was not allowed so a minimum size requirement was had."

Mr. Wegner discussed this issue with members of staff and examples were shown to the committee with examples given on the chalkboard.

Mr. Wegner will make changes to E to address the actual location instead of the footprint for replacement.

MOTION: (Frank Greb/Larry Greschner) to direct staff to make changes and bring back. All "aye" on voice vote. Motion carries.

8. Discussion/decision concerning adoption of updated Wisconsin Department of Natural Resources wetland inventory maps.

Committee reviewed the differences between the old and new DNR wetland inventory maps.
EXHIBIT #2

MOTION: (Larry Greschner/Ted Cushing) to adopt the updated DNR wetland inventory maps. All “aye” on voice vote. Motion carries.

9. Discussion/decision concerning the 2005 Wisconsin ACT 81 & 2005 Wisconsin ACT 112.

Mr. Jennrich will talk to Corporation Counsel to see if there has to be any amendments to the Oneida County ordinance.

Mr. Pete Wagner stated that in Act 81, the word “structure” was added and that under the Oneida County 9.99 Ordinance the word “structure” is already part of the language.

Mr. Jennrich explained to the committee ACT 112. “It states the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or incrustation.” Mr. Jennrich felt that at this time we did not need in the Oneida County’s ordinance this provision pursuant to 59.69 21s because we allow total demolition in rebuilding a structure.

No action taken.

10. Discussion/decision concerning departmental operations/procedures/organization.

Tabled to next meeting.

11. Discussion/decision concerning pending Ordinance Amendment #09-2006 proposed Resolution scheduled for the County Board of Supervisors.

Tabled to next meeting.

12. Discussion/decision of line item transfers, refunds, purchase orders and bills.

Karl Jennrich presented the blanket purchase orders to the committee in the amount of \$955.01.
EXHIBIT #3

Karl Jennrich presented the vouchers and refunds to the committee. Emmons Business, 2 guest chairs in the amount of \$438.00 and refunds, Libke Auto Specialist (\$144.00), William Thacker (\$396.00) and William Brisbane (\$7.00) and mileage for \$179.79,\$190.02, Lorman Ed Services (training: Karl Jennrich in the amount of \$369.00 and reservations for Mr. Jennrich (Sheraton Hotel/Madison in the amount of \$135.00. EXHIBIT #4 & 5.

MOTION: (Frank Greb/Ted Cushing) to approve Mr. Jennrich to attend a training in Madison, WI, regarding onsite wastewater treatment systems. All “aye” on voice vote. Motion carries.

MOTION: (Scott Holewinski/Frank Greb) to approve the refunds, bills and vouchers as presented. All “aye” on voice vote. Motion carries.

Mr. Jennrich read into the record the statistics from January through June of 2006. Permits are down for a total of 28 permits, down approximately 50 sanitary permits, down approximately 70 total permits and down 30 homes. Revenues are up.

2:23 P.M. Committee recessed to conduct the Public Hearing

2:44 P.M. Committee reconvened to continue with the Regular P & Z meeting.

13. Communications. – NONE

14. Public comments. - NONE

15. Discussion/decision regarding future agenda items.

a. Item #10 to be placed back on the agenda for August 2, 2006.

16. It is anticipated that the Committee may meet in Closed Session pursuant to Wisconsin Statutes, Section 19.85 (1)(g), conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. A roll call vote will be taken to go into closed session.

MOTION: (Scott Holewinski/Frank Greb) to enter into closed session pursuant to Item #16 on today's agenda. Roll Call Vote: Scott Holewinski "aye", Frank Greb "aye", Ted Cushing "aye", Larry Greschner "aye" and Chair Metropulos "aye". Motion carries.

TIME: 2:45 P.M.

17. A roll call vote will be taken to return to open session

MOTION: (Larry Greschner/Scott Holewinski) to return to open session. Roll Call Vote: Scott Holewinski "aye", Frank Greb "aye", Ted Cushing "aye", Larry Greschner "aye" and Chair Metropulos "aye". Motion carries.

TIME: 3:05 P.M.

18. Adjourn.

3:06 PM There being no further matters to lawfully come before the Committee, a motion was made by Frank Greb, second by Larry Greschner to adjourn the meeting. With all members present voting "aye", the motion carried.

Chairman Bob Metropulos

Karl Jennrich Zoning Director